membrane protein, thereby identifying the agent with antifungal specificity.

43. (New) A method for identifying a specific antiprotozoal agent, the method comprising:

a) combining at least one agent with a protozoal TIM17,

b) identifying an agent which binds to the protozoal TIM17,

c) combining said agent with the human mitochondrial membrane protein of claim 17, and

d) determining that said agent does not bind to the human mitochondrial membrane protein, thereby identifying the agent with antiprotozoal specificity.

REMARKS

Claims 1, and 11-16 are pending in this divisional application. Claims 1, and 11-16 have been canceled by this amendment. Claims 17-43 have been added. No new matter is added by these amendments. Entry of these amendments is respectfully requested.

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (claim 1) drawn to polypeptides.

Group II (claim 11) drawn to antibodies.

Group III (claim 12) drawn to antagonists.

Group IV (claim 13) drawn to methods for treating cancer.

Group V (claim 14) drawn to methods of detecting a polynucleotide.

Group VI (claims 15-16) drawn to methods for identifying specific agents.

Applicants hereby elect, with traverse, to prosecute Group I, which includes claim 1 (the new equivalents of which are new claims 17, and 18), and drawn to polypeptides. Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications. Applicants traverse the restriction requirement because the invention encompassed by

the claims of Groups I-VI (drawn to polypeptides, antibodies to the polypeptides, modulators of the polypeptides, methods of detecting polynucleotides, and methods of use thereof), together with claims directed towards pharmaceutical compositions, could be examined at the same time, without undue burden on the Examiner.

For example, a search of the prior art to determine the novelty of the antibodies (Group II) would substantially overlap with a search of the claims directed to the polypeptide (Group I). Similarly, a search of the prior art to determine the novelty of the polypeptides of the invention would provide information regarding the novelty of the antagonists which bind to the polypeptides (Group III). Furthermore, the process claims of Groups IV, V, and VI, which depend from and are of the same scope as the product claims, should be rejoined and examined with the claims of Groups I and III. See the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled: "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103 (b)", which sets forth the rules, upon allowance of the product claims, for rejoinder of the process claims covering the same scope of the products.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups I-VI would substantially overlap, Applicants respectfully submit that examination of all of the pending claims would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the entirety of Applicants' claims.

Moreover, it is noted that the polynucleotides of original claim 2, expression vectors, host cells, methods of making the polypeptide encoded by the polynucleotides and methods of detection by hybridization have already been examined and issued in the parent application. In particular, claims of Group V, directed to methods of detection of polynucleotides, were improperly not considered in the parent application, now allowed. Applicants submit herewith new claims 19-30, which are drawn to substantially the same invention as those claims, but of different scope. Applicants respectfully submit that there is minimal additional burden on the Examiner to examine those claims in addition to the claims elected in the present application, particularly in view of the searches and examination which were already conducted with respect to the previously issued

claims, and the additional burden on Applicants to file, prosecute and maintain yet another application in this family. Thus, Applicants respectfully request that the Examiner consider examining these claims together in this application.

Applicants believe there is a claim fee due with this communication. Therefore, the Commissioner is hereby authorized to charge such fee to Deposit Account No. **09-0108.**

This form is enclosed in duplicate.

Respectfully submitted,

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